UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,074	01/19/2001	Ange Aznar	FR919990092US1	9401

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EXAMINER
WILSON, ROBERT W

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/766,074	AZNAR ET AL.
	Examiner	**Art Unit**	
	Robert W Wilson	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).   .
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,11 and 14* is/are rejected.

7)☒ Claim(s) *2,3,5-10,12,13 and 15-20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on Ỵ\19\⁰\ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.0 The application of Aznar et. al. for a "METHOD OF INJECTING/EXTRACTING

CONTROL CELLS IN AN ANSYNCHRONOUS TRANSFER MODE (ATM) NETWORK"

filed on 01/19/2001 with priority based upon EPO 00480018.1 01/24/2000 was examined.

Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.0 **Claims 1 & 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayami

et. al. (U.S. Patent No.: 6,198,726 B1).

Referring to **Claim 1**, Hayami (U.S. Patent No.; 6,198,726 B1) teaches: A method for

injecting a control cell into an established Asynchronous Transfer Mode (ATM) data connection

between a source device and a destination device (Abstract or Fig 1, 8, 10, & 12), wherein said

control cell is injected into said connection by a control point of an injection switching node

(OAM cell injected at a control point per Fig 1, 10, 12, 0r 13)

Generating a control cell composed of a payload and an ATM header containing an input Virtual
Path. Virtual Circuit of said connection in order to constitute an ATM cell (Figure 19 shows
generation of an ATM cell which has a payload with a VPI/VCI per Figs 3 or 6 or 14A-14C.)

Encoding a switch routing label (SRL) and a protocol engine correlator (PEC) within said control
cell (A line identifier and VPI/VCI or SRL & PEC are combined or encoded into a internal
processing identifier which is inserted into the header per col. 4 line 35-col. 6 line 20.)

Setting an injection flag within said control cell for indicating to an input protocol engine of said control point that said control cell is to be injected into said connection (OAM cell injected by 33 per Fig 1 after the internal processing identifier or injection flag has been inserted per col. 4 line 35-col. 6 line 20)

Hayami does not expressly call for: injection flag but teaches internal processing identifier per col. 5 line 50.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the internal processing identifier performs the same function as the injection flag.

Referring to **Claim 11**, Hayami (U.S. Patent No.; 6,198,726 B1) teaches: A system for injecting a control cell into an established Asynchronous Transfer Mode (ATM) data connection between a source device and a destination device (Abstract or Fig 1, 8, 10, & 12), wherein said connection by a control point of an injection switching node, said system comprising (OAM cell injected at a control point per Fig 1, 10, 12, 0r 13)

Processing means for generating a control cell composed of a payload and an ATM header containing an input Virtual Path. Virtual Circuit of said connection in order to constitute an ATM cell (Figure 19 shows generation of an ATM cell which has a payload with a VPI/VCI per Figs 3 or 6 or 14A-14C by processing means per Fig 1or 10 or 12.)

Processing means for encoding a switch routing label (SRL) and a protocol engine correlator (PEC) within said control cell (A line identifier and VPI/VCI or SRL & PEC are combined or encoded into a internal processing identifier which is inserted into the header per col. 4 line 35-col. 6 line 20 by processing means per Fig 1or 10 or 12..)

Processing means for setting an injection flag within said control cell for indicating to an input protocol engine of said control point that said control cell is to be injected into said connection (OAM cell injected by 33 per Fig 1 after the internal processing identifier or injection flag has been inserted per col. 4 line 35-col. 6 line 20 by processing means per Fig 1or 10 or 12.)

Hayami does not expressly call for: injection flag but teaches internal processing identifier per col. 5 line 50.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the internal processing identifier performs the same function as the injection flag.

Claim Rejections - 35 USC § 103

4.0   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

5.0   Claims 4 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo

(U.S. Patent No.: 6,377,574 B1)

Referring to **Claim 4**, Endo (U.S. Patent No.: 6,377,574 B1) teaches: A method for
extracting a control cell from an established Asynchronous Transfer Mode (ATM) data
connection setup between a source device and a destination device (Fig 1 or 2 or 10 shows
sending of management ATM cells between source and destination devices.) wherein said
control cell is extracted from said connection by a control point of an extraction switching node
(Fig 1 or 2 or 10 where a OAM or RM cell is extracted by a control point per col. 2 line 39-60) ,
said method comprising:

Determining within said extraction switching node whether or not an incoming control cell
includes an extraction condition (The ATM line 3a checks for PTI field to know payload type in
order to determine whether to take the cell from the cell flow or extraction per col. 2 line 39-60)

Setting a control flag within said incoming control cell in response to said cell including an
extraction condition (The applicant broadly claims setting the control flag within said incoming
control cell. The applicant does not specify in the claim that the flag is set in the control point
after the extraction condition was detected. The reference teaches a cell is created by setting PTI
to indicate the type of cell so that the end device. The end device determines the type of cell via
PTI so that it can take the cell from the cell flow and extract its payload so that several payloads
can be concatenated to create new cells per col. 2 lines 39-60 and Fig 16)

Endo does not expressly call for: extraction but teaches taking the cell from the cell flow and
removing it payload per col. 2 lines 39-60.

It would have been obvious to one of ordinary skill in the art at the time of the invention that
removing the cell payload performs the same function as extraction per col. 2 lines 329-60.

Referring to **Claim 14**, Endo (U.S. Patent No.: 6,377,574 B1) teaches: A system for
extracting a control cell from an established Asynchronous Transfer Mode (ATM) data
connection setup between a source and a destination device (Fig 1 or 2 or 10 shows system for
sending/extracting of management ATM cells between source and destination devices.) wherein
said control cell is extracted from said connection by a control point of an extraction switching
node (Fig 1 or 2 or 10 where a OAM or RM cell is extracted by a control point per col. 2 line 39-
60) , said system comprising:

Processing means for determining within said extraction switching node whether or not an incoming control cell includes an extraction condition (The ATM line 3a or means checks for PTI field to know payload type in order to determine whether to take the cell from the cell flow or extraction per col. 2 line 39-60)

Processing means for setting a control flag within said incoming control cell in response to said cell including an extraction condition (The applicant broadly claims setting the control flag within said incoming control cell. The applicant does not specify in the claim that the flag is set in the control point after the extraction condition was detected. The reference teaches a cell is created by setting PTI to indicate the type of cell so that the end device. The end device or means determines the type of cell via PTI so that it can take the cell from the cell flow and extract its payload so that several payloads can be concatenated to create new cells per col. 2 lines 39-60 and Fig 16)

Endo does not expressly call for: extraction but teaches taking the cell from the cell flow and removing it payload per col. 2 lines 39-60.

It would have been obvious to one of ordinary skill in the art at the time of the invention that removing the cell payload performs the same function as extraction per col. 2 lines 329-60.

Claim Objections

6.0   Claims 2-3, 5-10, 12-13, & 15-20 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

The present invention is directed to a communication device in which reading an injection flag results in bypassing looking up a label. The present invention is also directed to a communication device in which a routing label and SPEC bits are added to the header prior to extraction in which the extraction flag is set after switching occurs.

The closest prior art is Hayami (U.S. Patent No.: 6,198,726) and Endo (U.S. Patent No.: 6,377,574 B1). Hayami (U.S. Patent No.: 6,198,726) discloses a device which defines an internal processing identifier or injection flag which is encoded from the VPI/VCI and Line identifier or SRL & PEC. The closest prior art Endo (U.S. Patent No.: 6,377,574 B1) discloses a device which reads the PTI which is the payload identifier or control flag in order to determine whether to extract the payload.

The closest prior art either singularly or in combination fails to anticipate or render the following claim limitations obvious it the independent claims were rewritten in independent form to inlcud all of these limitations in the base claim and any intervening claims:

"reading or means for reading ....bypassing or means for bypassing..." as claimed in **Claims 2 & 12**

"reading or means for reading...bypassing or means for bypassing..." as claimed in **Claims 3 & 13.**

"within an input adapter... adding or means for adding... " as claimed in **Claims 5 & 15.**

"switching said control cell or processing means for switching..."as claimed in **Claims 8 & 18**

In Addition:

Claims 6 & 7 depend upon Claim 5.

Claims 9 & 10 depend upon Claim 8.

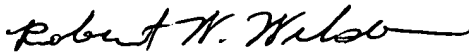**Claims 16 & 17 depend upon Claim 15.**

Claims 19 & 20 depend upon Claim 18.

Conclusion

7.0   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 703/305-4102. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Robert W Wilson
Examiner
Art Unit 2661

RWW
May 13, 2004